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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

HARTFORD FIRE INSURANCE CO. a/s/o  
Klearwall Industries, Inc.,

*Plaintiff,*

v.

MAERSK LINE, a division of the A.P.  
Moller-Maersk Group, ALBATRANS INC.,  
SAPSAN LLC and XYZ CORP.,

*Defendants.*

Civil Action No. 18-cv-00121 (PKC)

**AFFIRMATION OF GERARD F. SMITH  
IN OPPOSITION TO DEFENDANT  
SAPSAN LLC'S MOTION TO DISMISS**

GERARD F. SMITH hereby affirms as follows:

1. I am an attorney-at-law o for the Plaintiff, Hartford Fire Insurance Co. a/s/o Klearwall Industries, Inc., and am fully familiar with the facts set forth herein.
2. I hereby submit this certification in opposition to Defendant Sapsan LLC's motion to dismiss.
3. Attached hereto as **Exhibit A** is a true copy of the deposition transcript of Yulian Nilsen, dated February 19, 2019.
4. Attached hereto as **Exhibit B** is a true copy of a report from the Federal Motor Carrier Safety Administration ("FMCSA") regarding the motor carrier operating authority of Sapsan.

5. Attached hereto as **Exhibit C** is a true copy of report from the FMCSA identifying the agents designated by DOTPROCESSAGENTS, LLC.

6. Attached hereto as **Exhibit D** is a true copy of a blank, exemplar Form BOC-3.

7. Attached hereto as **Exhibit E** is a true copy of Sapsan's New York State HUT Form MT-903 filings.

8. Attached hereto as **Exhibit F** is a true copy of a report printed from the New York Department of State regarding the corporate status of Klearwall Industries.

9. Attached hereto as **Exhibit G** is a true copy of a report printed from the New York Department of State regarding the corporate status of Albatrans.

10. Attached hereto as **Exhibit G** is a true copy of Delivery Orders issued by Albatrans.

11. I affirm that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: March 8, 2019

/s/Gerard F. Smith

Gerard F. Smith